

VOLUNTARY AGREEMENT FOR CHANGE OF BOUNDARY LINE  
BETWEEN THE COUNTY OF YORK, VIRGINIA, AND  
THE COUNTY OF JAMES CITY, VIRGINIA

THIS VOLUNTARY AGREEMENT FOR CHANGE OF BOUNDARY LINE is made as of the \_\_\_\_ day of \_\_\_\_\_, 2003, by and between the COUNTY OF YORK, VIRGINIA ("York"), and THE COUNTY OF JAMES CITY, VIRGINIA ("James City"), pursuant to § 15.2-3106, *et seq.* of the Code of Virginia (1950, as amended) for the relocation of a portion of the common boundary line between the two jurisdictions.

WHEREAS, York and James City have determined that there exists a need to clarify for the public the boundary line between the two jurisdictions along a portion of present-day Skimino Creek, and that the public interest would be served by a voluntary boundary line adjustment whereby the boundary line between the two jurisdictions is the center line of a portion of the present course of Skimino Creek.

NOW, THEREFORE, be it hereby resolved by York and James City, each by virtue of the actions of their respective governing bodies, that the boundary line between York and James City is hereby modified as follows:

1. Relocation of Boundary Line: York and James City agree that the common boundary line between the two jurisdictions shall be modified and established as shown on a plat attached hereto as Exhibit A and entitled "Plat Showing Existing Skimino Creek Centerline Prepared for County of York and James City County," dated February 14, 2003, consisting of a single sheet.

2. Public Utilities: York and James City acknowledge that, to the best of their knowledge, there exist no public utilities or other improvements belonging to either of them located within any of the areas effected by this Agreement.

3. Good Faith: Each party hereto agrees to make a good faith effort to effectuate the intent of this Voluntary Agreement and to execute and deliver to the other such documents or other instruments as may appear appropriate or desirable to clarify or carry out the provisions hereof.

4. Petition to Circuit Court: York and James City agree jointly to petition either the Circuit Court for York County or James City County ("the Court") as required by § 15.2-3108 of the Code of Virginia to obtain affirmation of this Voluntary Agreement.

5. Action by Court: York and James City agree that if the Court does not affirm this Voluntary Agreement without modification, this Voluntary Agreement shall immediately terminate. However, the parties may waive termination by mutually agreeing to the recommended modifications.

6. Voting Rights Act Preclearance: York and James City agree to comply with the provisions of the Voting Rights Act of 1965 with respect to the necessary pre-clearance of the agreed annexation by the United States Department of Justice. Submission of an application for approval with the Justice Department shall be made no later than fifteen (15) days after the date of execution of this Voluntary Agreement and shall be expeditiously pursued by both York and James City.

7. Effective Date: This Voluntary Agreement shall become effective as of the date of approval by the Court.

8. Binding Effect: This Voluntary Agreement when affirmed by the Court shall be binding: (i) upon York and James City, (ii) upon the future governing bodies of York and Jams City, (iii) upon their assigns and, upon any successors of the York and/or James City, and (iv) have full force and effect, all as provided pursuant to Chapter 30 of Title 15.2 of the Code of Virginia.

9. No Actions in Derogation of Agreement: Neither party will move to vacate, suspend or modify, or will appeal any order of the Court approving this Agreement.

10. Effect on Existing Agreements: York and James City agree that this Voluntary Annexation Agreement shall not be construed as amending or revoking any other agreements which may exist between York and James City, including without limitation, agreements for the provision of water or other utilities, or for mutual aid for law enforcement, emergency medical services or fire suppression, and that all such agreements shall remain in full force and effect in accordance with their terms.

11. Prospective Application Only: This Voluntary Agreement shall operate prospectively only.

COUNTY OF YORK, VIRGINIA

By \_\_\_\_\_(SEAL)

Title \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Attorney

COUNTY OF JAMES CITY, VIRGINIA

By \_\_\_\_\_(SEAL)

Title \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
County Attorney

contract/agr-jcc boundary line change